

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: Michael BANTLIN, et al.
Serial No.: 10/766,275
Filed: January 28, 2004
For: METHOD FOR SYNCHRONIZING THE MAIN PILE AND AUXILIARY PILE

Sir:

Transmitted herewith is an **Appeal Brief with Appendixes A, B, C (10 pages)** in the above-identified application.

- [] Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[] Other:
- [X] Check(s) in the amount of **\$500.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: **Appeal Brief Fee**
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


William C. Gehris, Reg. No. 38,156
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 16, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 
Jan Decker

Application No.: 10/766,275
Appeal Brief dated February 15, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: BANTLIN et al.
Serial No.: 10/766,275 Confirmation No.: 3458
Filed: 01/28/2004
For: METHOD FOR SYNCHRONIZING THE MAIN
PILE AND THE AUXILIARY PILE

Art Unit: 3653
Examiner: MORRISON. THOMAS
Customer No.: 23280
Atty. Docket: 600.1297

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 16, 2006

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated August 25, 2005 in this application. The statutory fee of \$500.00 is paid concurrently herewith.

02/21/2006 SFELEKE1 00000025 10766275

01 FC:1402

500.00 DP

1. REAL PARTY IN INTEREST

The real party in interest is Heidelberger Druckmaschinen AG, a German corporation having a place of business in Heidelberg, Germany, and the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Heidelberger Druckmaschinen AG by inventors Michael Bantlin, Wolfgang Dolz, Rolf Spilger, Thomas Christian. The assignment was recorded on January 28, 2004 at reel 014944, frame 0260.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1-8, 10 and 11 are pending. Claim 9 has been canceled. Claims 1-8, 10, and 11 have been finally rejected as per the Final Office Action dated August 25, 2005.

The rejection to claims 1-8, 10, and 11 thus is appealed. A copy of appealed claims 1-8, 10 and 11 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

Amendments to claims 1 and 5 were filed after the final rejection merely to provide antecedent basis and correct an informality respectively. An advisory action was issued on December 7, 2005, and the amendments were entered and the 112 rejection removed.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites a method for synchronizing the motion sequences of at least one main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]) and at least one auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]) in a

feeder (e.g., 2 in Fig. 1, e.g., specification at paragraph [0018]) or delivery device of a printing material processing machine (e.g., 20 in Fig. 1, e.g., specification at paragraph [0018]), the method comprising: moving the main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]) using a drive (e.g., 7 in Fig. 1, e.g., specification at paragraph [0018]) and a main pile controller (e.g., 12 in Fig. 1, e.g., specification at paragraph [0022]) associated with the drive (e.g., 7 in Fig. 1, e.g., specification at paragraph [0018]); moving the auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]) using an additional drive (e.g., 11 in Fig. 1, e.g., specification at paragraph [0018]) and an auxiliary pile controller (e.g., 13 in Fig. 1, e.g., specification at paragraph [0022]) associated with the additional drive (e.g., 11 in Fig. 1, e.g., specification at paragraph [0018]); and receiving a start signal at the auxiliary pile controller (e.g., 13 in Fig. 1, e.g., specification at paragraph [0022]) to move the auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]), the start signal being received from the main pile controller (e.g., 12 in Fig. 1, e.g., specification at paragraph [0022]) or from a further, higher-level machine controller (e.g., 14 in Fig. 1, e.g., specification at paragraph [0022]), the start signal simultaneously initiating a movement of the main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]).

Independent claim 11 recites a feeder (e.g., 2 in Fig. 1, e.g., specification at paragraph [0018]) or delivery device of a printing material processing machine (e.g., 20 in Fig. 1, e.g., specification at paragraph [0018]) having synchronized motion sequences of at least one main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]) and at least one auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]) comprising: a drive (e.g., 7 in Fig. 1, e.g., specification at paragraph [0018]) for moving the main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]); a main pile controller (e.g., 12 in Fig. 1, e.g., specification at paragraph [0022]) associated with the drive (e.g., 7 in Fig. 1, e.g., specification at paragraph [0018]); an additional drive (e.g., 11 in Fig. 1, e.g., specification at paragraph [0018]) for moving the auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]); and an auxiliary pile controller (e.g., 13 in Fig. 1, e.g., specification at paragraph [0022])

associated with the additional drive (e.g., 11 in Fig. 1, e.g., specification at paragraph [0018]), the auxiliary pile controller (e.g., 13 in Fig. 1, e.g., specification at paragraph [0022]) receiving a start signal to move the auxiliary pile (e.g., 9 in Fig. 1, e.g., specification at paragraph [0020]), the start signal being received from the main pile controller (e.g., 12 in Fig. 1, e.g., specification at paragraph [0022]) or from a further, higher-level machine controller (e.g., 14 in Fig. 1, e.g., specification at paragraph [0022]), the start signal simultaneously initiating a movement of the main pile (e.g., 4 in Fig. 1, e.g., specification at paragraph [0018]).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 8, 10 and 11 should be rejected under 35 U.S.C. §102(b) as being anticipated by Leichnetz et al. (U.S. Patent No. 6,142,463).

7. ARGUMENTS

Rejections under 35 U.S.C. §102(b)

Claims 1 to 8, 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Leichnetz et al. (U.S. Patent No. 6,142,463).

Leichnetz discloses that a “provision is made for parameters to be assigned to drive unit 13, such that an identical switch-on time generated by control unit 14 and received by both drive control unit 12 of the feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes auxiliary pile-carrying assembly 3 and main pile-carrying assembly 19 of the feeder 2 to move identically. This means that the movements of motors 7 and 11 will have the same areas under their curves in their respective rotational-speed vs. time diagrams.” (See, e.g. column 5, lines 11-19). Furthermore, Leichnetz states, “the switching signal S for the drive unit 12 has a *time lag* with respect to the switching signal S for the drive unit 13 of the auxiliary pile-carrying assembly” (see, e.g. column 5 lines 24-26).

Claims 1 and 11 recite a “start signal simultaneously initiating a movement of the main pile” and the auxiliary pile.

Leichnetz does not disclose a start signal simultaneously initiating a movement of the main pile and auxiliary pile as claimed, but rather discloses a control signal *that*

intentionally has a time lag in switching drive units 12 and 13 on, resulting in the auxiliary pile carrying assembly 3 initiating a movement having a time lag from main pile-carrying assembly 19 (see, e.g. Fig. 2, column 5, lines 22 to 27). Fig. 2 of '463 patent further supports this interpretation. Curve 13 in Fig. 2 is displaced to the right of curve 12. The displacement represents a time lag or temporal variance.

The Examiner's position in the Advisory Action that the statement in Leichnitz that the auxiliary and main piles move "identically" and citing a dictionary definition willfully misreads what the Leichnitz specification clearly states identically means: *"This means that the movements of motors 7 and 11 will have the same areas under their curves in their respective rotational-speed vs. time diagrams."* It does not mean that the main pile and auxiliary piles move simultaneously, and they clearly intentionally move with a time lag as discussed above. This time lag even teaches away from the present invention.

Withdrawal of the rejections under 35 U.S.C. §102(b) to claims 1 and 11 and their dependent claims thus is respectfully requested.

Claim 7: Argued separately

With respect to claim 7, claim 7 recites the method as recited in claim 6 further comprising compensating for delays occurring during signal transmission via the communication device, and claim 6 depends from claim 1.

It is respectfully submitted that Leichnitz does not "compensate" for delays at all, but rather intentionally introduces a delay.

Withdrawal of the rejection to claim 7 for this reason as well is respectfully requested.

Claim 8: Argued separately

With respect to claim 8, claim 8 recites the method as recited in claim 1 further comprising measuring disturbances and taking into account the disturbances in the control of the drive and additional drive.

The section of Leichnitz cited by the final office action does not discuss measuring disturbances at all.

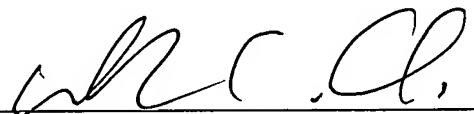
Withdrawal of the rejection to claim 8 for this reason as well is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance.
Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

APPENDIX A:

APPEALED CLAIMS 1-8, 10, AND 11 OF
U.S. APPLICATION SERIAL NO. 10/766,275

Claim 1 (previously presented): A method for synchronizing the motion sequences of at least one main pile and at least one auxiliary pile in a feeder or delivery device of a printing material processing machine, the method comprising:

- moving the main pile using a drive and a main pile controller associated with the drive;
- moving the auxiliary pile using an additional drive and an auxiliary pile controller associated with the additional drive; and
- receiving a start signal at the auxiliary pile controller to move the auxiliary pile, the start signal being received from the main pile controller or from a further, higher-level machine controller, the start signal simultaneously initiating a movement of the main pile.

Claim 2 (previously presented): The method as recited in claim 1 wherein the moving of the main pile and the moving of the auxiliary pile include moving the main pile and the auxiliary pile a same distance within a same time using the main pile controller and the auxiliary pile controller.

Claim 3 (previously presented): The method as recited in claim 1 further comprising storing at least one of a last-reached position of the auxiliary pile and a last-reached position of the main pile in at least one of the main pile controller, the auxiliary pile controller and the further, higher-level machine controller.

Claim 4 (previously presented): The method as recited in claim 3 further comprising moving at least one of the auxiliary and main piles as a function of the at least one of a last-reached position of the auxiliary pile and a last-reached position of the main pile.

Claim 5 (previously presented): The method as recited in claim 1 further comprising transmitting a travel path of the main pile or a travel path of the auxiliary pile as a setpoint value to the main pile controller or the auxiliary pile controller, respectively.

Claim 6 (previously presented): The method as recited in claim 1 further comprising transmitting the start signal via a communication device between the auxiliary pile controller and the main pile controller.

Claim 7 (original): The method as recited in claim 6 further comprising compensating for delays occurring during signal transmission via the communication device.

Claim 8 (previously presented): The method as recited in claim 1 further comprising measuring disturbances and taking into account the disturbances in the control of the drive and additional drive.

Claim 10 (previously presented): The feeder or delivery device as recited in claim 11 wherein the device is part of a printing press or a folding machine.

Claim 11 (original): A feeder or delivery device of a printing material processing machine having synchronized motion sequences of at least one main pile and at least one auxiliary pile comprising:

- a drive for moving the main pile;
- a main pile controller associated with the drive;
- an additional drive for moving the auxiliary pile; and
- an auxiliary pile controller associated with the additional drive, the auxiliary pile controller receiving a start signal to move the auxiliary pile, the start signal being received from the main pile controller or from a further, higher-level machine controller, the start signal simultaneously initiating a movement of the main pile.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "2. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.